


IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA

IN THE MATTER OF THE SEARCH
OF: White Ford F250 Pickup Truck with
Vehicle Identification Number
1FTSX21528EC09068

Case No. MJ-21-  -M-KLD

ATTACHMENT C

**AFFIDAVIT IN SUPPORT OF
APPLICATION FOR A SEARCH WARRANT**

I, Homeland Security Investigations (HSI) Special Agent (SA) Troy Capser,
being first duly sworn, hereby depose and state as follows:

INTRODUCTION AND AGENT BACKGROUND

1. I make this affidavit in support of an application for a search warrant for a Ford F250 Pickup Truck with Vehicle Identification Number 1FTSX21528EC09068, hereinafter referred to as the subject vehicle, which is more fully described in Attachment A.
2. I am a Special Agent (SA) of Homeland Security Investigations and am currently assigned to the Resident Agent in Charge (RAC) Kalispell, Montana office. I have been employed as an SA for over 20 years, and in that time, have had extensive training and experience in conducting narcotics related investigations including multi-defendant, multi-jurisdictional investigations. I have been involved

in a number of investigations involving narcotics trafficking and have received training in such investigations. I have participated in numerous seizures of narcotics and related subsequent arrests. I have also spoken with and been advised by other agents regarding narcotics investigations and their investigative techniques.

3. This affidavit is based upon information I have personally gained through training and experience, as well as upon information provided to me by other individuals, including law enforcement officers. Since this affidavit is being submitted for the limited purpose of securing a search warrant, I have not included each and every fact known concerning this investigation. Instead, I have set forth only the facts that I believe are necessary to establish probable cause to believe that evidence in relation to the commission of drug trafficking and drug exportation offenses in violation of 21 U.S.C. §§ 841, 846 and 21 U.S.C. § 953 including documents, contraband, fruits of one or more crimes, and evidence of property used or intended to be used in the commission of any one of said crimes is located in the subject vehicle.

7. On December 5, 2020, the Royal Canadian Mounted Police (RCMP) associated Jesse Marshall as having some involvement with a seizure of over 110

pounds of methamphetamine seized by RCMP in British Columbia. The methamphetamine was located just north of the border with the United States near Lake Koocanusa, B.C. Marshall became a target of investigation after Canadian law enforcement identified him as being in the area at the time of the seizure.

8. RCMP was granted a tracking device warrant for Marshall's vehicles and cellphone and have been monitoring his activities since the January of 2021. RCMP was advised by the Canadian Border Services Agency (CBSA) that Marshall and an individual identified as Sean Nesbitt were observed on border cameras snow shoeing through the area of Chief Mountain Port of Entry, Montana, at the end of January and called U.S. authorities after they got lost.

9. On May 13, 2021, Marshall was observed by RCMP driving a black Nissan Armada south from Calgary, Alberta. Canadian law enforcement continued to monitor Marshall's location remotely. Marshall drove to an area near the U.S./Canadian border on the west-side of Lake Koocanusa, B.C. Marshall stopped for two minutes in the area 600 meters north of the U.S. border, turned around and returned towards Calgary. RCMP had surveillance on the Armada as it returned, and Marshall was confirmed to be alone in the vehicle. Follow up inquiries with a fast-food restaurant drive-thru on his way south from Calgary confirmed that

Marshall had a passenger with him who law enforcement believe was Sean Nesbitt. The tracker showed that Marshall stopped briefly at Nesbitt's residence before leaving Calgary. Law enforcement believes that Marshall drove Nesbitt to the area near the U.S./Canadian border and Nesbitt crossed into the U.S. illegally. Nesbitt was denied entry into the U.S. on April 1, 2021 when he tried to fly from Calgary to Las Vegas. He was in possession of multiple pieces of fake identification.

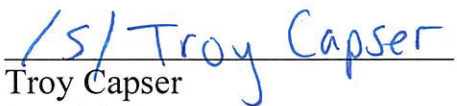
10. On May 25, 2021, Canadian law enforcement was alerted to the tracking device on the black Nissan Armada as it drove south from Calgary and travelled to the area near the U.S./Canadian border at Lake Koocanusa. RCMP members deployed in the area and made observations of the Nissan Armada. RCMP also noted that Jesse Marshall's white Ford F250 truck that had been parked in a parking lot in Sweet Grass, Montana, near the border had been moved and there was a record from a license plate reader that it was located in Rancho Mirage, California on May 16, 2021. The RCMP members in the area of Lake Koocanusa stopped the Nissan Armada leaving the area of Lake Koocanusa and noted four males, including Jesse Marshall and Sean Nesbitt in the vehicle and two large bags in the back. The bags contained 110 lbs of meth and a handgun was also located. All four were arrested and transported back to Cranbrook, BC for further investigation.

11. I was advised by HSI Great Falls agents of the seizure and was told to be on the lookout for Marshall's white F250 pickup that was registered in Montana. I notified U.S. Border Patrol to be on the lookout for the F250 which was located near Lake Koocanusa just south of the U.S./Canadian border. Border Patrol K9 handler Shane Salminen responded to the location of the vehicle and deployed his K9 which alerted to the F250 as being in contact with controlled substances.

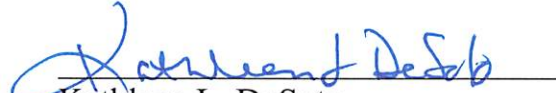
12. The vehicle was towed to Kalispell and secured in the Flathead County Sheriffs Office secure impound.

13. Based on the facts set forth in this affidavit, there is probable cause to believe that Jesse Marshall has used the subject vehicle in violation of Title 21 U.S.C. § 846, Conspiracy to Distribute Methamphetamine, Title 21 U.S.C. § 841(a)(1), Possession with Intent to Distribute Methamphetamine. Title 21 U.S.C. § 953, Exportation of Controlled Substances.

Respectfully submitted,


Troy Capser
Special Agent
Homeland Security Investigations

Attested to by the applicant in accordance with the requirements of Fed. R. Crim P. 4.1 by being subscribed electronically and sworn to telephonically on ~~May~~ June 3, 28, 2021.


Kathleen L. DeSoto
United States Magistrate Judge